

Serial No. 10/037,590

Drawing Amendments

There are no amendments to the drawings.

Serial No. 10/037,590

Remarks

The Final Office Action of 06/02/2004 rejected claims 1, 2, 11, 12, 15, 16, and 21-24 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,797,910 by A.N. Daudelin. (Hereafter referred to as Daudelin). Further, the Office Action rejected claims 3-10, and 25 as being unpatentable under 35 U.S.C. §103(a) over Daudelin in view of U.S. Patent No. 5,956,675 by A.R. Setlur et al. (Hereafter referred to as Setlur). In addition, the Office Action rejected claims 13, 14, and 17-20 as being unpatentable under 35 U.S.C. §103(a) over Daudelin in view of U.S. Patent No. 6,718,024 by C. Heilmann et al. (Hereafter referred to as Heilmann). Claims 1 and 21 are being amended, and claims 15-20 are being canceled.

Rejection of Claims 1, 2, 11, and 12 under 35 U.S.C. 102(b)

This rejection is respectfully traversed.

It is well settled that to anticipate a claim, the reference must teach every element of the claim. See MPEP § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he elements must be arranged as required by the claim." See MPEP § 2131, citing *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990). Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See MPEP § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913 (Fed. Cir. 1989). Applicants respectfully submit that the rejection does not satisfy these requirements.

Amended claim 1 recites:

A method for doing call classification on a call to a destination endpoint, comprising the steps of:

Serial No. 10/037,590

receiving audio information from the destination endpoint;
analyzing received audio information for words using
automatic speech recognition; and
determining the call classification from the analyzed words
where the call classification specifies at least one of the endpoint
is busy or the call is being redirected.

Clearly, amended claim 1 is directed to analyzing audio information received from a destination endpoint to determine call classification. The call classification is specified to be either that the endpoint is busy or the call has been redirected.

The Office Action states that "a receiver for receiving audio information from the called destination endpoint - a calling party customer provides input of speech or tones...; for collect calls, a called party responds 'yes' or 'no' to an announcement: 'You have a collect call, will you accept charges, yes or no'...speech or tones are 'audio information' and called party is the called destination endpoint;..." First, the reference to the calling party is not important since the calling party is not a destination endpoint. With respect to the called party, the call classification of the call is that of an answered call since the called party always terminates the call by answering the call. This is true whether or not the called party says "yes" or "no". The called party's answer is not used to do call classification as to whether the endpoint is busy or the call is being redirect but rather to determine whether the person answering the call will accept a collect telephone call. This is not what amended claim 1 recites. Daudelin is directed to different telecommunication operations than those disclosed in amended claim 1.

In summary, applicants submit that amended claim 1 is patentable over Daudelin under 35 U.S.C. §102(b). Further, claims 2, 11, and 12, are directly dependent on amended claim 1 and are patentable for least the same reasons as amended claim 1.

Rejection of Claims 21-24 under 35 U.S.C. 102(b)

Claim 21 recites:

Serial No. 10/037,590

An apparatus for classifying a call to a called destination endpoint, comprising:
a receiver for receiving audio information from the called destination endpoint;
automatic speech recognizer for determining words in the received audio information; and
an inference engine for classifying the call destination endpoint in response to the determined words where the classifying specifies at least one of the endpoint is busy or the call is being redirected.

Applicants submit that amended claim 21 is patentable over Daudelin under 35 U.S.C. §102(b) for the same reasons as amended claim 1. Further, claims 22-24 are directly or indirectly dependent on amended claim 21 and are patentable for least the same reasons as amended claim 21.

Rejection of Claims 3-10 and 25 under 35 U.S.C. 103(a)

The Office Action rejected dependent claims 3-10 and 25 under 35 U.S.C. 103(a) as being unpatentable over Daudelin in view of Setlur. This rejection is traversed. Dependent claims 3-10 are directly or indirectly dependent on amended claim 1 and are patentable for at least the same reasons as amended claim 1 since Setlur does not overcome previous detailed reasons for amended claim 1 being patentable over Daudelin under 35 U.S.C. 103. Dependent 25 is indirectly dependent on amended claim 21 and is patentable for at least the same reasons as amended claim 21 since Setlur does not overcome the previously detailed reasons for amended claim 21 being patentable over Daudelin under 35 U.S.C. 103.

Rejection of Claims 13 and 14 17-20 under 35 U.S.C. 103(a)

The Office Action rejected dependent claims 13 and 14 under 35 U.S.C. 103(a) as being unpatentable over Daudelin in view of Hellmann. This rejection is traversed. Dependent claims 13 and 14 are directly or indirectly dependent on amended claim 1 and are patentable for at least the same reasons as amended claim 1 since Heilmann does not

Serial No. 10/037,590

overcome previous detailed reasons for amended claim 1 being patentable over Daudelin under 35 U.S.C. 103.

Summary

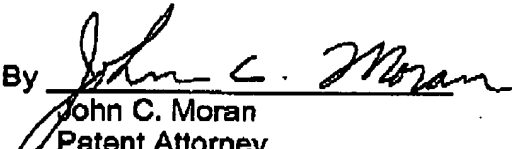
In view of foregoing, applicants respectfully request consideration of amended claims 1 and 21, reconsideration of original claims 2-14 and 22-25, and allowance of these claims.

Although the foregoing is believed to be dispositive of the issues in the application, if the Examiner believes that a telephone interview would advance the prosecution, the Examiner is invited to call applicants' attorney at the telephone number listed below.

Respectfully,

Norman C. Chan
Douglas A. Spencer
Danny M. Wages
Shrmistha S. Das

By


John C. Moran
Patent Attorney
Reg. No. 30,782
303-450-9926

Date: 08/01/2005

John C. Moran, Attorney, P.C.
4120 115th Place
Thornton, CO 80233